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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,541	01/16/2002	Richard R. Dimperio	109469	7721
27074	7590	03/14/2005		
OLIFF & BERRIDGE, PLC. P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER DIVINE, LUCAS	
			ART UNIT 2624	PAPER NUMBER

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/683,541

**Applicant(s)**

DIMPERIO ET AL.

**Examiner**

Lucas Divine

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 16 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. **The drawings submitted with this case do not appear to be the drawings for the case. For example, no reference numbers match up, the figures do not show the claimed material, and the drawings do not make sense in light of the specification. New formal drawings for this case are required that correspond with the specification and claims.** No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 4 is rejected under 35 U.S.C. 102(e) as being anticipated by Lynch et al. (US 6433881) hereafter referred to as *Lynch 172*.

Regarding claim 4, *Lynch 172* teaches a **method, for an image forming system having a memory** (database 64 or 132 or 134 or 136 or 138), **of creating at least one pre-configured job ticket** (Lynch teaches a method of creating a job template object for use in printing at a later time [Fig. 3] and further used for invoking and printing in Fig. 4), **comprising:**

**naming a job ticket** (Fig. 4 ref. no. 252, it is inherent that in order to be stored and later located, the job object template must have a name to identify the template);

**defining zero, one or more parameters that are able to take a user-supplied value for the job ticket** (Fig. 3 steps 206-216 show setting properties and placing other selections functionalities within the print job object; col. 3 lines 54-55 and col. 6 lines 66-67 which teaches the establishment of print job object properties);

**setting default values for each such parameter that is able to take a user-supplied value** (included in step 206 in establishing the properties must be setting default values for the

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job template properties in order for the default values to be overridden if necessary in instantiation step 256 of fig. 4);

**inputting values for any remaining parameters for that job ticket** (Fig. 4, step 256 shows the user inputted values for the print job overriding the default setup parameters of the job template); **and**

**storing that job ticket in the memory of the image forming system** (job templates are stored in server database – see step 252, Fig. 4, wherein the job template is retrieved from the database; col. 7 line 35).

3. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Lynch et al. (US 6581097) hereafter referred to as *Lynch 097*.

Regarding claim 1, *Lynch 097* teaches a **method for generating at least one hard-copy document using an image forming system without creating a concurrent individual job ticket for that at least one hard-copy document, the image forming system having a memory that stores at least one pre-configured job ticket (preconfigured template JTT utilized in Figs. 3 and 4) having parameters for producing at least one document, the method comprising:**

**saving a document file** (document files can be saved in any of memories A – D shown in Fig. 2) **having an embedded text string in the document file name** (it is inherent that a document file name includes an embedded text string) **that corresponds to at least one of the at least one preconfigured job tickets** (Fig. 4 steps 304 – 316 teach the receiving of a unique job identifier [such as a file name because it identifies the document uniquely] that corresponds to at

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least one of the job ticket templates in the database [for example, if the job identifier does not match with one preconfigured template, the next best corresponding template is looked for in step 314], see col. 7 lines 5-10, wherein the applicant discusses templates as used for future job tickets, thus preconfigured);

**appending the pre-configured job ticket that corresponds to the embedded text string to the document file** (step 324, wherein a new instance is created of a ticket for printing of the print job); **and**

**outputting the at least one document according to the document file and the appended job ticket** (printing output of the print job based on the created ticket in step 326).

Regarding claim 3, which depends from claim 1, *Lynch 097* teaches further

**determining whether any of the at least one pre-configured job tickets correspond to the embedded text string in the document file name** (Fig. 4, steps 312, 314 and 316 test preconfigured job tickets to see if they match the unique identifier [file name identifies the job]);

**creating at least one additional job ticket using at least one input device when none of the at least one pre-configured job tickets correspond to the embedded text string** (step 318, wherein a new job ticket template is created when a match can not be found);

**appending the created job ticket to the document file** (steps 320 and 322 prepare print job for printing according to the newly created job ticket); **and**

**outputting at least one document according to the document file and the appended job ticket** (printing output of the job based on the created ticket in step 326).

*Allowable Subject Matter*

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4. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US-6657744, Lynch et al., 12-2-2003: teaches message structure for a print stream determining and analysis system.

US-6243172, Gauthier et al., 6-5-2001 : teaches a method and system for merging variable text and images into bitmaps defined by a page description language.

US-5999945, Lahey et al., 12-7-1999: teaches a method for organizing files associated with a job ticket used in a network printing system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lucas Divine whose telephone number is 703-306-3440. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 703-308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lucas Divine  
Examiner  
Art Unit 2624

ljd

A handwritten signature in black ink, appearing to read 'K. Y. Poon', with a stylized, cursive script.

**KING Y. POON  
PRIMARY EXAMINER**